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09/402,311	10/01/1999	JAMES EDWIN HAILEY	RCA88751	5785
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ART UNIT 2611 PAPER NUMBER

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,311

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 February 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Disposition of Claims

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 October 1999 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s) _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/20/03 have been fully considered but they are not persuasive.

1) Applicant argues, "Also, the mapping operation preformed by Goodman relies upon VPI/VCI values to determine the sources of data because, "different connections have different VPI/VCI values. This means that the mapping operation disclosed in Goodman considers the source of the data (depending on VPI/VCI values) instead of the type of data (video program data versus Internet image information as in claim 1). These VPI/VCI values along with the PID values relevant to the MPEG program data are used to route data associated to a respective DET, not to identify Internet image information, as in claim 1." "Furthermore, in the Office Action, the Examiner does not show where such a decoding of Internet image information takes place, in view of the claimed ancillary information. The examiner instead recites that Goodman "re-encapsulates the IP packets and forwards them to the proper device, this is not however "decoding of said Internet information" as in claim 1." (Page 2)

Regarding argument 1, Goodman discloses that both MPEG packets and internet data packets are carried on the network, and that an MPEG demultiplexer circuitry 827 recognizes the audio and video packets based on PID values and routes them to the decoders 829,831 (column 16, lines 45-60). Additionally, CPI/VCI values may be mapped onto PID values, including data, and that data and MPEG encoded packets are mapped with different program numbers, these numbers enabling NIM 201 to

distinguish which data must be submitted to a MPEG decoder and which has to be handled by a data processor (column 15, lines 1-42), the PID for data streams is read and the data is routed to processor 704 within the DET (column 15, lines 43-62).

2) Applicant argues that Goodman and Chaddha teach away from one another particularly. "Chaddha is concerned with the synchronization of video/audio in annotation streams, which streams may need to be synchronized in a closed to real time by a stream server. In contrast, Goodman specifically accounts that it has problems with synchronization or timing information (an operation critical for Chaddha) because of its asynchronous nature (see Goodman in regards to voice communications, column 12, lines 4-7), resulting in that one skilled in the art would not combine Goodman with Chaddha to arrive at the features in Claims 2, 3, 11 and 16-18 because of the references teach away from their combination." (Page 3). Additionally, applicant argues that Goodman teaches away from the combination of Chaddha and Bennington, as the operation detailed in claims 19 and 20 would occur in close to real time and Goodman has difficulty with such a function. (Page 4).

Regarding applicant's argument 2, Goodman discloses that AAL5 may be used for both audio, video as well as voice (column 11, line 63-column 12, line 18), video/data may be allocated different bandwidths (column 13, lines 21-27). Chaddha discloses that event data which is too cumbersome or is constantly changing (not static data) may be implemented as event locators within an annotation stream, for example a URL address pointing to an HTML page related to the video (column 6, lines 36-51), audio/video/annotation streams are pulled by HTML get packets (column 8, lines 46-

64). As Goodman discloses that the MPEG data may have a number of audio streams in different languages or supplementary close captioning information or other data (column 14, lines 30-47) Goodman must not have synchronization problems between different streams as an MPEG program would be unwatchable if the audio tracks are not properly synchronized. Therefore the data system of Goodman does not teach away from the combination of Chaddha and Bennington as Goodman teaches that an alternate audio stream is synchronized with the video.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,666,487 to Goodman.

Regarding claims 1, 10, 12 and 13, Goodman discloses a network in Figures 2-5, in which internet data and MPEG data are transmitted via ATM, each packet has a PID which identifies the packet is a MPEG video data or a data packet (column 8, lines 10-

50, column 13, lines 28-52, column 14, lines 30-63), data may received from the Internet and may in the IP format (column 11, line 63-column 12, line 42), and ATM demultiplexer 702 demuxes the data and decoder 825 decodes the MPEG data (column 15, lines 63-67, column 16, lines 45-53), DET 201 and NIM 201 re-encapsulate the IP packets and forward them to the proper device (column 12, lines 30-55) .

Regarding claim 4, Goodman discloses that the PID may be stored in the header of the packet (column 20, line 10-line 67).

Regarding claim 5, Goodman discloses that the IP addressing information is carried in the payload of an AAL5 formatted data (column 11, line 63-column 12, line 42).

Regarding claims 6-8 and 14 and 15, Goodman discloses a program map utilizing PIDs for differentiating between IP data and MPEG compatible data (column 14, lines 30-column 15, line 7).

Regarding claim 9, Goodman discloses that data may be non-MPEG formatted video data (column 11, line 63-column 12, line 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 11, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,666,487 to Goodman in view of U.S. Patent 6,173,317 to Chaddha.

Regarding claims 16 and 17, Goodman discloses a network in Figures 2-5, in which internet data and MPEG data are transmitted via ATM, each packet has a PID which identifies the packet is a MPEG video data or a data packet (column 8, lines 10-50, column 13, lines 28-52, column 14, lines 30-63), data may received from the Internet and may in the IP format (column 11, line 63-column 12, line 42), and ATM demultiplexer 702 demuxes the data and decoder 825 decodes the MPEG data (column 15, lines 63-67, column 16, lines 45-53), DET 201 and NIM 201 re-encapsulate the IP packets and forward them to the proper device (column 12, lines 30-55). Goodman does not disclose creating a composite image of the video and Internet content and synchronizing the Internet information with the audio and video information. Chaddha discloses an authoring system in Figure 7, in which an annotation stream is sent along with a video stream to a user device, a content producer synchronizes the data with the video stream via a number of event time tracks which are displayed along with video time track 760 and audio time track 770 (Figures 2, 4, 6, column 5, line 29-column 8, line 64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the distribution system of Goodman to integrate an AV stream with supplemental content as taught by Chaddha thereby allowing a user to learn more about the video program they are watching.

Regarding claims 2, 3, 11, and 18, Goodman discloses a network in Figures 2-5, in which internet data and MPEG data are transmitted via ATM, each packet has a PID which identifies the packet is a MPEG video data or a data packet (column 8, lines 10-50, column 13, lines 28-52, column 14, lines 30-63). Goodman does not disclose whether or not the ancillary data includes timing data for synchronizing web data with a video program. Chaddha discloses an authoring system in Figure 7, in which an annotation stream is sent along with a video stream to a user device, a content producer synchronizes the data with the video stream via a number of event time tracks which are displayed along with video time track 760 and audio time track 770 (Figures 2, 4, 6, column 5, line 29-column 8, line 64). Chaddha's packets inherently contain timing data to synchronize the web data with the video data, as Chaddha teaches that the annotation streams contain event data which specify which data to display/receive at certain points in the video (column 5, line 29-column 8, line 64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Goodman to include timing data in a data stream as taught by Chaddha thereby ensuring that additional content displayed along with a video stream would be synchronized with the displayed video program.

Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,666,487 to Goodman in view of U.S. Patent 6,173,317 to Chaddha in further view of U.S. Patent 6,418,556 to Bennington.

Regarding claims 19-21, Goodman discloses a network in Figures 2-5, in which internet data and MPEG data are transmitted via ATM, each packet has a PID which identifies the packet is a MPEG video data or a data packet (column 8, lines 10-50, column 13, lines 28-52, column 14, lines 30-63), data may received from the Internet and may in the IP format (column 11, line 63-column 12, line 42), and ATM demultiplexer 702 demuxes the data and decoder 825 decodes the MPEG data (column 15, lines 63-67, column 16, lines 45-53), DET 201 and NIM 201 re-encapsulate the IP packets and forward them to the proper device (column 12, lines 30-55). Goodman does not disclose creating a composite image of the video and internet content and synchronizing the internet information with the audio and video information or searching whether or not web page information is available. Chaddha discloses an authoring system in Figure 7, in which an annotation stream is sent along with a video stream to a user device, the annotation stream indicates the location of a webpage or supplemental content stored on a server, a content producer synchronizes the data with the video stream via a number of event time tracks which are displayed along with video time track 760 and audio time track 770 at a user device (Figures 2, 4, 6, column 5, line 29-column 8, line 64). Bennington discloses a system in Figures 20-22 in which a program guide displays an "i" if supplemental information regarding a program is available. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the distribution system of Goodman to integrate an AV stream with supplemental content as taught by Chaddha and examining program guide information as taught by

Bennington thereby allowing a user to learn more about the video program they are watching.

Regarding claim 22, Goodman discloses a network in Figures 2-5, in which internet data and MPEG data are transmitted via ATM, each packet has a PID which identifies the packet is a MPEG video data or a data packet (column 8, lines 10-50, column 13, lines 28-52, column 14, lines 30-63). Goodman does not disclose whether or not the ancillary data includes timing data for synchronizing web data with a video program. Chaddha discloses an authoring system in Figure 7, in which an annotation stream is sent along with a video stream to a user device, a content producer synchronizes the data with the video stream via a number of event time tracks which are displayed along with video time track 760 and audio time track 770 (Figures 2, 4, 6, column 5, line 29-column 8, line 64). Chaddha's packets inherently contain timing data to synchronize the web data with the video data, as Chaddha teaches that the annotation streams contain event data which specify which data to display/receive at certain points in the video (column 5, line 29-column 8, line 64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Goodman to include timing data in a data stream as taught by Chaddha and the indicator as taught by Bennington thereby ensuring that additional content displayed along with a video stream would be synchronized with the displayed video program.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

HBL

May 5, 2003